

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DUMBO MOVING & STORAGE INC.,

Plaintiff,

vs.

PIECE OF CAKE MOVING & STORAGE LLC,  
SIMPLY MOVING LLC, SIMPLY MOVING &  
STORAGE LLC, VOJIN POPOVIC, STEFAN  
MARCALI, and VOLODYMYR PLOKHYKH,

Defendants.

Case No. 22-CV-05138 (ER)

**NOTICE OF MOTION TO  
COMPEL PLAINTIFF'S TRADE  
SECRET IDENTIFICATION  
AND, IN THE ALTERNATIVE,  
FOR PARTIAL SUMMARY  
JUDGMENT**

**ORAL ARGUMENT  
REQUESTED**

**PLEASE TAKE NOTICE** that upon the accompanying Memorandum of Law, dated August 23, 2024, the accompanying Declaration of Fred H. Perkins, executed on August 23, 2024, with exhibits attached thereto, the accompanying Declaration of Martin G. Walker, executed on August 21, 2024, with exhibits attached thereto, and Defendants' Rule 56.1 Statement of Undisputed Material Facts, Defendants Piece of Cake Moving & Storage LLC, Simply Moving LLC, Simply Moving & Storage LLC, Vojin Popovic, and Stefan Marcali (collectively, the "POC Defendants") will move this Court, before the Honorable Edgardo Ramos, United States District Judge, at the United States District Court for the Southern District of New York, 40 Foley Square, New York, New York 10007, on such date as the Court will determine, pursuant to Fed. R. Civ. P. 37 and 56, for an order requiring Plaintiff Dumbo Moving & Storage Inc. to provide a reasonably particularized identification of its alleged trade secrets in response to POC Defendants' Interrogatories Nos. 1 and 3 (labeled as Nos. 11 and 13 by Dumbo) that:

- (i) clearly distinguishes each of them from generally known matters, including at least those matters described in the Walker Declaration and of which Dumbo, after a reasonable investigation consistent with its Rule 11 obligations, is aware;

- (ii) instead of rehashing the publicly disclosed end results or functionalities of Dumbo's alleged trade secrets, actually explains in detail the precise contours of the alleged trade secrets and how they actually purport to work; and
- (iii) definitively identifies each alleged trade secret, rather than providing a description that is open-ended, qualified and subject to future endless possible modifications.

In the alternative, the POC Defendants request that the Court grant partial summary judgment dismissing Plaintiff's trade secret claims with prejudice and for such other and further relief as this Court may deem just and proper. Moving Defendants request oral argument on this motion.

Defendant Volodymyr Plokykh joins in this motion and the relief requested in all respects.

Pursuant to this Court's ruling at the pre-motion conference conducted on July 24, 2024, and as amended by order on August 7, 2024, Plaintiff's opposition papers to this motion, if any, are due on September 13, 2024 and Defendants' reply papers are due September 20, 2024.

Dated: New York, New York  
August 23, 2024

MORRISON COHEN LLP

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